

FROM :

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Sep. 08 2010 11:26AM P5

Appl. No. 10/684,312 **RECEIVED**
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SEP 08 2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :

SCHNEIDER, D. G.

Serial No.: 10/684,312

Art Unit: 3743

Filed: October 10, 2003

Examiner: S. Gravini

Atty Docket: DGS001

Confirmation No: 3321

For: COLLAPSIBLE HEATING APPARATUS

INTERVIEW SUMMARY UNDER 37 CFR 1.133(b)

Assistant Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Applicant submits the following responsive Interview Summary as required to make of written record before the Office the substance of the telephonic interview that occurred on September 3, 2010.

A copy of the Applicant Initiated Interview Request Form is attached hereto. References to the 'Applicant' below are understood to mean the named Applicant or a representative duly acting on Applicant's behalf.

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INTERVIEW SUMMARY BY APPLICANT

Applicant thanks Examiner Gravini for the courtesy extended in a recent telephonic interview conducted on September 3, 2010. The substance of this interview is summarized as follows:

Applicant's representative, Frank McKiel, Jr., and Examiner Stephen Gravini discussed the rejection of independent claim 17 under 35 U.S.C. §112. Applicant's representative believes that agreement was reached as to the recited "user-selectable variable configuration" language, arriving at an understanding generally comporting with the "end user-type kit" interpretation as expressed by the Examiner in an interview summary mailed on or about 12/23/2009.

Mr. McKiel inquired as to the status of claims 25-27 which were not explicitly called out in the rejection remarks, perhaps overlooked. For expediency, Mr. McKiel declined to have the Examiner issue a corrected Action just to address those specific claims and agreed to consider and, as necessary, rebut the applicability of the other points of rejection to those claims.

With respect to the §102 rejection of claims 17-22 in view of new reference Smith (US 4,619,190), Mr. McKiel explained some features of the claimed invention believed to differentiate from the Smith teachings. Mr. McKiel sought to better understand the basis of the Examiner's position. No conclusion or specific agreement was reached.

As to the §103 rejection of claims 23-24 based upon Smith in view of Gilbert, Mr. McKiel and Examiner Gravini concluded that the Gilbert reference was an error and that the intended reference, based on the line-number alignment of the cited passages and existence of a Fig 7, was instead Christen (U.S. Patent 3,856,374). No other substantive agreement was reached as to the §103 rejections.

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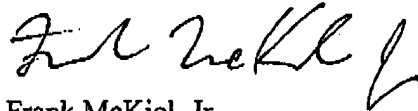
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CONCLUSION

Applicant respectfully submits this Interview Summary as a true and accurate representation of what transpired during the telephonic interview. Applicant appreciates the suggestions and points raised by the Examiner, yet also respectfully asks the Examiner to reconsider the allowability of the claims in view of arguments and explanations provided during the conversation, as well as further remarks and/or amendments that Applicant sets forth in a separate Amendment/Reply filed herewith.

Respectfully submitted,



Frank McKiel, Jr.

Reg. No. 43,792

Date: SEP 7 8, 2010